

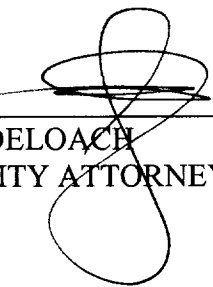
Entered - 02/11/03- sb
CL 03L0108 - GWENDOLYN BURNS

CLAIM OF: FREDDIE STOKELY
5013 Hawthorne Court
Smyrna, Georgia 30080

03- *R*-0523

For damages alleged to have been sustained from a wrongful arrest by Atlanta Police on November 15, 1995 at 730 Peachtree Street, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY
Council 4/21/03

ADVERSE REPORT

COMM: *Public Safety*

DATE: *4/1/03*

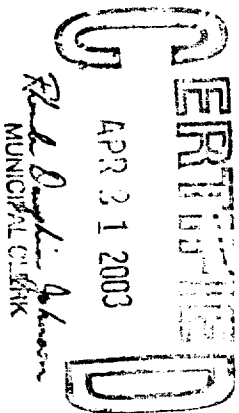
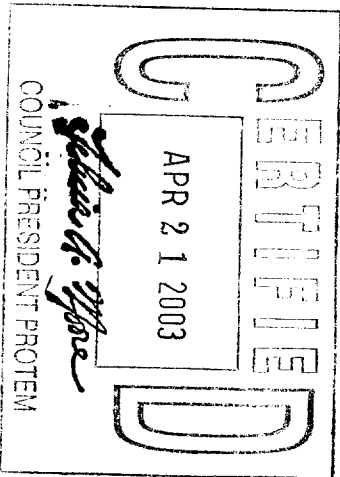
CHAIR: *[Signature]*

[Signature]

C. T. Manning

Clela Thompson

A. J. [Signature]





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

April 29, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6273

Freddie Stokley
5013 Hawthorne Court
Smyrna, GA 30080

03-R-0523

Dear Mr. Stokley:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0108

Date: March 18, 2003

Claimant /Victim FREDDIE STOKELY
BY: (Atty) (Ins. Co.) _____
Address: 5013 Hawthorne Court, Smyrna, Georgia 30080
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ _____
Date of Notice: 1/30/03 Method: Written, Proper _____ Improper X
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 11/15/95 Place: 730 Peachtree Street, NE
Department POLICE Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained damages when he was unjustly arrested by Atlanta Police. However, the claim as presented does not comply with the requirements of notice as provided in O.C.G.A. 36-33-5 in that the claim was not filed with the six months of the event. Secondly, the Department of Police is immune from liability as provided in O.C.G.A. §36-33-1.

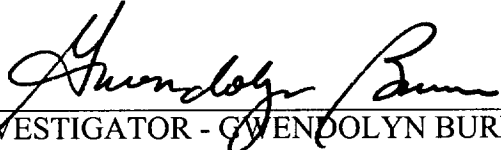
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

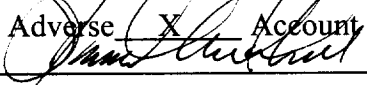
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 13-0003
Committee Action: _____ Council Action _____

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Boazman | B Woolard |

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed on
the Consent Agenda**

| | | | |
|---------------|---------------|---------------|----------------|
| 1. 03-O-0186 | 36. 03-R-0451 | 72. 03-R-0498 | |
| 2. 03-O-0350 | 37. 03-R-0571 | 73. 03-R-0499 | 81. 03-R-0507 |
| 3. 03-O-0401 | 38. 03-R-0549 | 74. 03-R-0500 | 82. 03-R-0508 |
| 4. 03-O-0442 | 39. 03-R-0555 | 75. 03-R-0501 | 83. 03-R-0509 |
| 5. 03-O-0438 | 40. 03-R-0556 | 76. 03-R-0502 | 84. 03-R-0510 |
| 6. 03-O-0445 | 41. 03-R-0558 | 77. 03-R-0503 | 85. 03-R-0511 |
| 7. 03-O-0446 | 42. 03-R-0559 | 78. 03-R-0504 | 86. 03-R-0512 |
| 8. 03-O-0443 | 43. 03-R-0560 | 79. 03-R-0505 | 87. 03-R-0513 |
| 9. 03-O-0450 | 44. 03-R-0561 | 80. 03-R-0506 | 88. 03-R-0514 |
| 10. 03-O-0485 | 45. 03-R-0562 | | 89. 03-R-0515 |
| 11. 03-O-0399 | 46. 03-R-0563 | | 90. 03-R-0516 |
| 12. 03-O-0369 | 47. 03-R-0564 | | 91. 03-R-0517 |
| 13. 03-O-0416 | 48. 03-R-0572 | | 92. 03-R-0518 |
| 14. 03-O-0193 | 49. 03-R-0588 | | 93. 03-R-0519 |
| 15. 03-O-0355 | 50. 03-R-0589 | | 94. 03-R-0520 |
| 16. 03-O-0359 | 51. 03-R-0590 | | 95. 03-R-0521 |
| 17. 03-O-0360 | 52. 03-R-0448 | | 96. 03-R-0522 |
| 18. 03-O-0436 | 53. 03-R-0454 | | 97. 03-R-0523 |
| 19. 02-O-1543 | 54. 03-R-0528 | | 98. 03-R-0524 |
| 20. 03-O-0432 | 55. 03-R-0529 | | 99. 03-R-0525 |
| 21. 03-O-0433 | 56. 03-R-0569 | | 100. 03-R-0526 |
| 22. 03-O-0434 | 57. 03-R-0570 | | 101. 03-R-0527 |
| 23. 03-R-0444 | 58. 03-R-0591 | | |
| 24. 03-R-0530 | 59. 03-R-0592 | | |
| 25. 03-R-0531 | 60. 03-R-0217 | | |
| 26. 03-R-0532 | 61. 03-R-0539 | | |
| 27. 03-R-0533 | 62. 03-R-0541 | | |
| 28. 03-R-0534 | 63. 03-R-0542 | | |
| 29. 03-R-0535 | 64. 03-R-0566 | | |
| 30. 03-R-0536 | 65. 03-R-0593 | | |
| 31. 03-R-0537 | 66. 03-R-0544 | | |
| 32. 03-R-0538 | 67. 03-R-0545 | | |
| 33. 03-R-0546 | 68. 03-R-0565 | | |
| 34. 03-R-0577 | 69. 03-R-0496 | | |
| 35. 03-R-0390 | 70. 03-R-0497 | | |

Consent I Vote: 15 Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391